

29 JUN 1976

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503


Dear Mr. Frey:

Enclosed is a proposed report to Chairman Staggers, House Committee on Interstate and Foreign Commerce, in response to a request for our recommendations on S. 2515, a bill which would establish a "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research."

Advice is requested as to whether there is any objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SIGNED

  
Legislative Counsel

STAT

Enclosure

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WASHINGTON, D.C. 20505

Honorable Harley O. Staggers, Chairman  
Committee on Interstate and Foreign Commerce  
House of Representatives  
Washington, D.C. 20515

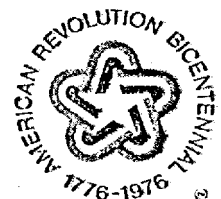
Dear Mr. Chairman:

This is in response to your request for our comments on S. 2515, a bill which would establish a "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research." This bill passed the Senate on 21 May 1976.

The Central Intelligence Agency's current and foreseeable activities in biomedical and behavioral research are extremely limited. Therefore, with respect to the merits of the bill in general, we defer to the views of the Department of Health, Education, and Welfare and other departments and agencies more directly involved in this area. However, we offer the following comments on those provisions of the bill which do concern this Agency.

Proposed Section 477(f) of S. 2515 provides for a representative of the Central Intelligence Agency to serve as a non-voting, ex officio adviser to the President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. Without commenting on the merits of establishing such a Commission at this time, the Agency would have no objection to providing the representation required, if such a Commission were created.

Under Section 477(h) the Commission would be granted broad access to classified information within the executive departments and agencies where "necessary to enable the Commission to carry out its duties." We understand this to mean that, if the Commission were established, classified information provided it would be limited only to those matters which directly concern the charter of the Commission, i.e. only classified information which involves experimentation on human subjects. Such a limitation is appropriate and desirable.



Although S. 2515 does not address itself directly to the disposition of classified information once obtained from executive departments and agencies, it is noted that Section 477(a) requires that all members of the Commission receive security clearances from appropriate departments and agencies. This Agency agrees that such measures are necessary to ensure the protection of the information involved. Moreover, current national security policies prohibit disclosure of classified information without the approval of the originating agency or department. This is a basic security tenet which should be expressly recognized in view of the Commission's access to classified information; its authority "to publish reports and other material which it deems necessary," under Section 482; and its authority to undertake a comprehensive study of advances in biomedical and behavioral research, under Section 479. In short, to avoid any misunderstanding, it should be made clear that it is not the intent of S. 2515 to authorize or require the public disclosure of information protected by Executive order or statute.

As proposed, the bill could be interpreted to include all research and testing to determine psychological attitudes, physiological reactions, and predictable human behavior which in no way affects the health or presents a hazard to the subjects involved. The Commission should be concerned only with human research which has health risk factors.

Finally, the Committee may wish to consider whether it might not be appropriate to extend the protections afforded "military personnel" (defined as including "employees and agents of the Central Intelligence Agency"), under Section 478(a)(2), to include all civilian employees of the Government.

The Office of Management and Budget has advised there is no objection to the submission of these comments on S. 2515.

Sincerely,

George Bush  
Director

FROM: <b>Central Intelligence Agency</b>		NO. <b>Q173493</b>
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